



**ERIC GIBSON**  
INTERIM DIRECTOR

## County of San Diego

### DEPARTMENT OF PLANNING AND LAND USE

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### MITIGATED NEGATIVE DECLARATION

September 11, 2008

Project Name: Arellano Minor Subdivision (3 lots)

Project Number(s): TPM 20756RPL5, ER No. 03-19-011

**This Document is Considered Draft Until it is Adopted by the Appropriate  
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
  - b. Environmental Analysis Form and attached extended studies for
1. California Environmental Quality Act Mitigated Negative Declaration Findings:  
Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period, and; on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project will have a significant effect on the environment.

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly

no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

1. Prior to issuance of any permit and prior to recordation of the parcel map the applicant shall grant by separate document to the County of San Diego an open space easement as shown on Tentative Parcel Map 20756 dated August 11, 2008, on file with the Department of Planning and Land Use as Environmental Review Number 03-19-011. This easement is for the protection of biological resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation.  
**[DPLU, FEE]**

The sole exception(s) to this prohibition are:

- a. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the Uniform Fire Code and the Memorandum of Understanding dated February 26, 1997, between the wildlife agencies and the fire districts and any subsequent amendments thereto.
- b. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of Planning and Land Use or the Director of Public Works.

- c. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health of the County of San Diego.
  - d. Construction, use, and maintenance of a water supply well on Parcel 1 as shown on Tentative Parcel Map on file with the Department of Planning and Land Use as Environmental Review Number 03-19-011.
- 2. Prior to issuance of any permit and prior to recordation of the parcel map the applicant shall grant by separate document to the County of San Diego a Limited Building Zone Easement as shown on Tentative Parcel Map 20756 dated August 11, 2008, on file with the Department of Planning and Land Use as Environmental Review Number 03-19-011. The purpose of this easement is to limit the need to clear or modify vegetation for fire protection purposes within the adjacent biological open space easement and prohibits the construction or placement of any structure designed or intended for occupancy by humans or animals. The only exceptions to this prohibition are: **[DPLU, FEE]**
  - a. Structures designed or intended for occupancy by humans or animals located no less than 100 feet from the nearest biological open space easement boundary, provided that the structures meet the minimum Fire-Resistive Construction Requirements as defined by the Fire Protection Authority (FPA) having jurisdiction over the property and that FPA has approved in writing a reduction in the vegetation clearing/fuel modification requirements so that they will not be required within any portion of the biological open space easement.
  - b. Decking, fences, and similar facilities.
  - c. Sheds, gazebos, and detached garages, less than 250 square feet in total floor area, that are designed, constructed and placed so that they do not require clearing or fuel modification within the biological open space easement, beyond the clearing/fuel modification required for the primary structures on the property.
- 3. Prior to issuance of any permit and prior to recordation of the parcel map, the applicant shall provide for the approval of the Director of Planning and Land Use evidence that 3.6 acres of big sagebrush scrub or like functioning habitat credit has been secured in a County approved

mitigation bank. Evidence of purchase shall include the following information to be provided by the mitigation bank: **[DPLU, FEE X 2]**

- a. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
- b. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
- c. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
- d. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

-OR-

Provide for the conservation and habitat management of a minimum of 3.6 acres of big sagebrush scrub habitat. A Resource Management Plan (RMP) for the big sagebrush scrub habitat must be submitted and approved by the Director of the Department of Planning and Land Use. The plan shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Requirement Guidelines. An open space easement over the acquired habitat must be dedicated to the County of San Diego prior to or immediately following the approval of the RMP. Alternatively, proof that a federal, state or local government agency with the primary mission of resource management has taken fee title to the land will be accepted in lieu of an easement.

-OR-

Purchase land inholdings of 3.6 acres of big sage brush scrub habitat or like functioning habitat within the Cleveland National Forest or Anza Borrego State Park, or a parcel of like functioning habitat approved prior to purchase by the Director of Department of Planning and Land Use. If an inholding is purchased, the lands will either (1) Be transferred to a government agency charged with conservation of natural resources via fee title (with demonstration of long term management capabilities), or (2) Dedicated in a conservation open space easement to the County and the

land will be managed through an approved Resource Management Plan to the satisfaction of the Director of Planning and Land Use.

4. Prior to issuance of any permit and prior to recordation of the parcel map, the applicant shall provide for the approval of the Director of Planning and Land Use evidence that 0.8 acre of non-native grassland habitat credit has been secured in a mitigation bank approved by the California Department of Fish & Game, located East County. Evidence of purchase shall include the following information to be provided by the mitigation bank: **[DPLU, FEE X 2]**
  - a. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
  - b. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
  - c. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
  - d. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

-OR-

Provide for the conservation and habitat management of a minimum of 0.8 acre of non-native grassland habitat. A Resource Management Plan (RMP) for the big sagebrush scrub habitat must be submitted and approved by the Director of the Department of Planning and Land Use. The plan shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Requirement Guidelines. An open space easement over the acquired habitat must be dedicated to the County of San Diego prior to or immediately following the approval of the RMP. Alternatively, proof that a federal, state or local government agency with the primary mission of resource management has taken fee title to the land will be accepted in lieu of an easement.

-OR-

Purchase land inholdings of 0.8 acre of non-native grassland habitat or like functioning habitat within the Cleveland National Forest or Anza Borrego State Park, or a parcel of like functioning habitat approved prior to purchase by the Director of Department of Planning and Land Use. If an inholding is purchased, the lands will either (1) Be transferred to a government agency charged with conservation of natural resources via fee title (with demonstration of long term management capabilities), or (2) Dedicated in a conservation open space easement to the County and the land will be managed through an approved Resource Management Plan to the satisfaction of the Director of Planning and Land Use.

5. Prior to the approval of the grading, improvement, or building plans, submit to the satisfaction of the Director of Planning and Land Use; a statement from a California Registered Engineer, or licensed surveyor that temporary construction fences have been placed in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary. The temporary fencing condition shall be released on a parcel-by-parcel basis. **[DPLU, FEE]**
6. Prior to the issuance of any Building, grading, or construction permit, or approval of any grading, improvement, or building plans, provide evidence to the satisfaction of the Director of Planning and Land Use the grading, and or improvement plans, and or building plans show permanent fences or walls along the open space boundary of Parcels 1, 2, and 3 as shown on Preliminary Grading Plan 20756 dated August 11, 2008, on file with the Department of Planning and Land Use as Environmental Review Number 03-19-011. **[DPLU, FEE]**
  - a. The fence or wall shall be a minimum of four feet (4') high and consist of split rail. Any change in construction materials and fence or wall design shall be approved by the Department of Planning and Land Use prior to installation.
7. Prior to the issuance of any building, grading, or construction permit, or approval of any grading, improvement, or building plans, provide evidence to the satisfaction of the Director of Planning and Land Use that the open space signage has been installed. The applicant shall submit a statement from a California Registered Engineer, or licensed surveyor that all open space signs along the open space boundary of Parcels 1, 2, and 3 as shown on Preliminary Grading Plan 20756 dated August 11, 2008, on file with the Department of Planning and Land Use as Environmental Review Number 03-19-011 have been installed. **[DPLU, FEE]**

- a. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

"Sensitive Environmental Resources"  
Entry Beyond this Point is Prohibited  
by Easement  
Information:  
Contact County of San Diego, Department of Planning and Land  
Use  
Ref: 03-19-011"

8. Prior to obtaining any building, grading, construction or any other permit, provide the Director of Planning and Land Use with a copy of a Clean Water Act, Section 401/404 permit issued by the California Regional Water Quality Control Board and the U.S. Army Corps of Engineers for all project related disturbances of waters of the U.S. and/or associated wetlands or provide evidence satisfactory to the Director of Planning and Land Use that such permit is not required. **[DPLU, FEE]**
  9. Prior to obtaining any building, grading, construction or any other permit, provide the Director of Planning and Land Use with a copy of a Streambed Alteration Agreement issued by the California Department of Fish and Game for all project related disturbances of any streambed or provide evidence satisfactory to the Director of Planning and Land Use that such an agreement is not required. **[DPLU, FEE]**
  10. The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.
3. Critical Project Design Elements That Must Become Conditions of Approval:  
  
The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.
- A. THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH BEFORE A PARCEL MAP IS APPROVED BY THE COUNTY OF SAN DIEGO,

DEPARTMENT OF PUBLIC WORKS, AND FILED WITH THE COUNTY  
RECORDER OF SAN DIEGO COUNTY:

1. The Parcel Map Shall Show An Accurate And Detailed Vicinity Map.
2. ACCESS
  - a. The subdivider shall furnish to the County of San Diego, Department of Public Works, recorded documentation showing that the land division is connected to a publicly maintained road by an easement for road purposes. This easement shall be forty feet (40') wide as specified in Section 81.703(a) and/or (b), unless proof is furnished that a lesser width is applicable under Section 81.703(l) of the County Code, and shall be for the benefit and use of the property being divided. Recordation data for said easement shall be shown on the Parcel Map. This requirement applies to off-site access to all proposed parcels.
3. SIGHT DISTANCE
  - a. Prior to recordation, a registered civil engineer, a registered traffic engineer, or a licensed land surveyor shall provide a signed statement that: "Physically, there is a minimum unobstructed intersectional sight distance in both directions along Lake Morena Drive from Big Potrero Truck Trail per the Design Standards of Section 6.1.E of the County of San Diego Public Road Standards." Any vegetation or topography currently obstructing sight distance shall be removed or cut back. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify that said lines of sight fall within the existing right-of-way and a clear space easement is not required. The foregoing shall be to the satisfaction of the Department of Public Works.
4. PRIVATE ROAD EASEMENTS
  - a. The Parcel Map shall show a thirty-eight foot (38') minimum radius cul-de-sac or a minimum hammerhead turnaround located in the vicinity of the northeasterly portion of Parcel 3, to the satisfaction of the San Diego Rural Fire Protection District and the County of San Diego, Department of Public Works.



- b. The Parcel Map shall show a minimum forty-foot (40') wide private road easement from the easterly property boundary of Parcel 3 to Lake Morena Drive.
- c. The centerline horizontal radii shall be a minimum of one hundred feet (100') for the private road easement onsite.
- d. Prior to recordation, a registered civil engineer shall provide a signed statement that: "The private easement road serving the land division (Hauser Creek Road/Big Potrero Truck Trail), from the northeasterly corner of Parcel 1 to Lake Morena Drive, has a minimum improved width of disintegrated granite to the satisfaction of the San Diego Rural Fire Protection District, and is constructed within the easement for the benefit of the land division."

5. SPECIAL DISTRICTS/ROAD MAINTENANCE/COVENANTS/  
DEVELOPMENT IMPACT FEES

- a. The subdivider shall authorize DPW Lighting District to process the project into the San Diego County Street Lighting District. After recordation of the Parcel Map, the land division shall be transferred, without notice or hearing, to Zone "A" of the San Diego County Street Lighting District. The subdivider shall cover the cost of processing by paying a minimum amount at the Land Development Counter Services.
- b. The subdivider shall provide for maintenance of the onsite and offsite private roads that serve the project through a private road maintenance agreement.

6. FACILITY/UTILITY ARRANGEMENTS

- a. Where private easement roads are not being dedicated, or where each of the proposed parcels is not on a public street, the subdivider shall provide the County of San Diego, Director of Public Works, with letters from serving utility companies stating that arrangements satisfactory to the utility have been made to serve all parcels being created. No letter will be required from AT&T/SBC.
- b. The subdivider shall comply with Section 66436 of the Government Code by furnishing to the County of San Diego, Department of Public Works, a certification from each public utility and each public entity owning easements within the proposed land division stating

that: (a) they have received from the subdivider a copy of the proposed Parcel Map; (b) they object or do not object to the filing of the Map without their signature.

7. FLOODING/DRAINAGE

- a. Lines of inundation to the limits of the 100-year flood along the watercourses, which flow through the property, shall be shown and labeled "Subject To Inundation By The 100-Year Flood" on the Parcel Map.
  - (1) The subdivider's civil engineer will provide the necessary hydrology and hydraulics to define the inundation limits and annotate the limits on a copy of the Tentative Parcel Map, approved by the County of San Diego, Director of Planning and Land Use. Each parcel shall have a flood-free building site to the satisfaction of the County of San Diego, Director of Public Works. If any of the parcels are found to be devoid of a buildable, flood-free site for a residence, the subdivider shall take appropriate action so that each parcel does have a buildable flood-free site. This pertains to watersheds having area of twenty-five (25) or more acres.

- B. THE FOLLOWING IMPROVEMENTS MAY BE COMPLETED PRIOR TO RECORDING OF A PARCEL MAP OR THEY MUST BE LISTED ON THE PARCEL MAP AND THE SUBDIVIDER SHALL EXECUTE A "COVENANT OF IMPROVEMENT REQUIREMENTS" WHICH SHALL LIST THE CONDITIONS THAT REMAIN TO BE COMPLETED. THE COVENANT SHALL BE RECORDED BY THE COUNTY OF SAN DIEGO, DEPARTMENT OF PUBLIC WORKS, PRIOR TO RECORDING THE PARCEL MAP. THE COVENANT SHALL BE NOTED ON THE PARCEL MAP.

(IMPROVEMENT PLANS AND COST ESTIMATES ARE NOT DEFERRABLE)

THE COVENANT OF IMPROVEMENT REQUIREMENTS SHALL NOTE THE ESTIMATE OF COST TO INSTALL AND/OR CONSTRUCT ANY DEFERRED IMPROVEMENTS. THE ESTIMATE OF COST SHALL BE BASED UPON IMPROVEMENT PLANS. THE PLANS SHALL INCLUDE A SIGNED STATEMENT BY THE PRIVATE ENGINEER-OF-WORK STATING THAT THE PLANS ARE SUFFICIENT FOR THE PURPOSE OF PROVIDING THE REQUIRED ESTIMATE OF THE COST FOR THE PRIVATE EASEMENT ROADS AND PRIVATE FACILITIES. THE ESTIMATE SHALL HAVE THE ENGINEER'S SIGNATURE AND STAMP ON THE FRONT PAGE ALONG WITH

A STATEMENT THAT IT IS THE ENGINEER'S ESTIMATE OF THE APPROXIMATE COST AS OF THE DATE THE ESTIMATE WAS PREPARED FOR THE PRIVATE ROAD AND FACILITIES REQUIRED BY THE FINAL NOTICE OF APPROVAL AND THE SAN DIEGO COUNTY STANDARDS FOR PRIVATE ROADS. SAID COVENANT SHALL BE TITLED "COVENANT OF IMPROVEMENT REQUIREMENT, A BUILDING PERMIT PROHIBITION".

IF THE COVENANT HAS BEEN RECORDED, NO BUILDING PERMIT AND NO FURTHER GRANT OF APPROVAL FOR DEVELOPMENT MAY BE ISSUED UNTIL THE SUBDIVIDER PRESENTS A COPY OF THE RELEASE OF IMPROVEMENT REQUIREMENTS RECORDED BY THE DEPARTMENT OF PUBLIC WORKS, STATING THAT ALL OF THE REQUIRED IMPROVEMENTS LISTED IN THE COVENANT OF IMPROVEMENT REQUIREMENTS AND NOTED ON THE PARCEL MAP HAVE BEEN COMPLIED WITH, EXCEPT A GRADING OR CONSTRUCTION PERMIT AND/OR A PERMIT TO INSTALL UTILITIES WITHIN THE PRIVATE EASEMENT MAY BE ISSUED. (NOTE: FOR WATER STORAGE FACILITIES AND/OR FUEL BREAKS, A RELEASE OF IMPROVEMENT REQUIREMENTS IS ONLY REQUIRED TO STATE THAT THE IMPROVEMENTS HAVE BEEN COMPLIED WITH FOR THE PARTICULAR PARCEL FOR WHICH A BUILDING PERMIT IS BEING REQUESTED.) [DPW] [DPLU]

1. PRIVATE ROAD IMPROVEMENTS

- a. In the event these improvements are deferred, the subdivider shall execute such documents as deemed necessary by the County of San Diego, Director of Public Works, indemnifying the County from liability arising from the improvement of any off-site easement. This indemnification shall also be noted on the Parcel Map.
- b. The private easement road, from the easterly boundary of Parcel 3; easterly and thence northerly to the northeasterly corner of Parcel 1; shall be graded twenty-eight feet (28') wide and improved twenty-four feet (24') wide with six inches (6") of disintegrated granite. The Improvement and Design Standards of Section 3.1(C) of the County Standards for Private Roads for one hundred (100) or less trips shall apply. NOTE: Where grades exceed 8% or are less than 1%, asphalt concrete shall be required in lieu of disintegrated granite. All of the foregoing shall be to the satisfaction of the Department of Public Works.
- c. Plans and a processing deposit for the private road improvements, as determined by the County of San Diego, Department of Public

Works, shall be submitted to the Improvements and Grading Group of the County of San Diego, Department of Public Works. All improvement plans shall be designed in accordance with County Standards for Private Roads.

- d. Prior to construction of private road improvements, the subdivider shall notify the County of San Diego, Department of Public Works, submit copies of the blueline plans, and post an inspection deposit.
- e. A registered civil engineer or a licensed land surveyor shall provide a signed statement that: "The private easement road, including all slopes and the cul-de-sac or hammerhead turnaround, from the easterly boundary of Parcel 3; easterly and thence northerly to the northeasterly corner of Parcel 1, is constructed entirely within the easement, including drainage structures, for the benefit of the land division." NOTE: If the slopes for the improvement fall outside of the easement, mitigating structures shall be utilized so the improvement is within the easement or slope rights/a letter of permission shall be obtained/ granted and the engineer or surveyor shall further certify that: "Slope rights/a letter of permission has been obtained/granted for work outside of the easement limits."
- f. The structural section for the private road shall be per Section 3.2 of the San Diego County Standards for Private Roads. NOTE: This applies only where asphalt concrete shall be required in lieu of disintegrated granite.
- g. Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing. The above shall be done to the satisfaction of the Director of Public Works. NOTE: This applies only where asphalt concrete shall be required in lieu of disintegrated granite.
- h. A permit shall be obtained from the County of San Diego, Department of Public Works for the improvements to be made within the public right-of-way. The connection of the private easement road to the County road will have to match the construction of the public road. A copy of the permit and evidence that all the requirements of the permit have been met shall be

submitted to the Land Development Counter Services of the County of San Diego, Department of Public Works.

C. OTHER REQUIREMENTS

1. The Basis of Bearings for the Parcel Map shall be in terms of the California Coordinate System Zone 6 NORTH AMERICAN DATUM OF 1983 by use of existing Horizontal Control stations with first order accuracy to the satisfaction of the County of San Diego, Director of Public Works (Refer to San Diego County Subdivision Ordinance Section 81.811).
2. The Parcel Map shall be prepared to show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California coordinate values of first order accuracy as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of Ground-to-Grid distances shall be shown on the map, all to the satisfaction of the County of San Diego, Director of Public Works (Refer to San Diego County Subdivision Ordinance Section 81.811 and 81.506(j)).
3. For the duration of this project-Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9424 and Ordinance No. 9426) and all other applicable ordinances and standards. This includes requirements for materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas greater than one (1) acre require that the property owner keep additional and updated information onsite concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.

**ADOPTION STATEMENT:** This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

\_\_\_\_\_  
Planning Director

on \_\_\_\_\_

Richard Grunow, Planning Manager  
Regulatory Planning Division